

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LAVARON MORRIS,

Petitioner,

v.

CASE NO. 12-13598  
HONORABLE GEORGE CARAM STEEH

JEFFREY WOODS,

Respondent.

**ORDER DENYING PETITIONER'S MOTION  
FOR A CERTIFICATE OF APPEALABILITY (Dkt. #27)**

This is a pro se habeas corpus case under 28 U.S.C. § 2254. On April 1, 2013, the Court dismissed the habeas petition as time-barred, see Dkt. #14, and on August 8, 2013, the Court denied petitioner's motion for rehearing, see Dkt. #19. Petitioner subsequently informed the Court that he did not receive the order denying his motion for rehearing until February 27, 2014. He then asked the Court to vacate and re-issue its judgment so that he could file a timely appeal from the Court's judgment. See Dkt. #24. On November 24, 2014, the Court denied petitioner's motion to vacate and re-issue the judgment. See Dkt. #25. Petitioner has appealed that order and now seeks a certificate of appealability.

A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could

conclude the issues presented are adequate to deserve encouragement to proceed further.” Miller-El v. Cockrell, 537 U.S. 322, 327 (2003) (citing Slack v. McDaniel, 529 U.S. 473, 484 (2000)).

Petitioner was required to file his motion to re-issue the judgment within 180 days of when the judgment or order being appealed was entered on the docket or within 14 days after he received notice of the judgment or order. Fed. R. App. P. 4(a)(6). He did neither. Consequently, the Court determined in its previous order in this case that petitioner had failed to satisfy all the elements for re-opening a judgment under Rule 4(a)(6). Reasonable jurists would agree with the Court’s conclusion. Accordingly, petitioner’s motion for a certificate of appealability (Dkt. #27) is denied.

Dated: January 13, 2015

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 13, 2015, by electronic and/or ordinary mail and also on Lavaron Morris #205193, Muskegon Correctional Facility, 2400 S. Sheridan, Muskegon, MI 49442.

s/Barbara Radke  
Deputy Clerk